

## Message Text

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C O N F I D E N T I A L SECTION 1 OF 3 VIENNA 2595

LIMDIS

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EO 11652: GDS  
TAGS: PROFR, CY, TU, GR, AU  
SUBJ: CYPRUS NEGOTIATIONS IN VIENNA: TURKISH-CYPRIOT CONSTITUTIONAL  
PROPOSAL

1. MORNING SESSION APRIL 1 WAS DEVOTED TO INTRODUCTION AND  
DISCUSSION OF TURKISH-CYPRIOT CONSTITUTIONAL PROPOSAL.  
TURKISH-CYPRIOT DELEGATION LEADER ONAN CHARACTERIZED HIS  
PROPOSAL AS EMBODYING THE CONCEPT OF "EVOLUTIONARY  
FEDERALISM." GREEK-CYPRIOT DELEGATION LEADER PAPADOPOULOS  
SAID IT LOOKED MORE LIKE A DRAFT TREATY BETWEEN TWO HOSTILE  
STATES. BOTH AMBASSADOR DE CUELLAR AND UN UNDERSECRETARY  
GENERAL URQUHART THOUGHT THE DOCUMENT COULD PROVIDE A  
FOUNDATION FOR FURTHER NEGOTIATION, BUT THAT IT WAS SO  
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GENERAL AND SKETCHY THAT MUCH TIME WOULD BE WASTED  
SIMPLY TRYING TO CLARIFY WHAT THE TURKISH-CYPRIOTS  
REALLY WANTED. THAT EFFORT WILL BEGIN ON SATURDAY,  
APRIL 2 WHEN THE GREEK-CYPRIOTS ARE EXPECTED TO OFFER  
DETAILED COMMENTS ON THE TURKISH-CYPRIOT PAPER.

2. THE TURKISH-CYPRIOT PROPOSALS READ AS FOLLOWS:

BEGIN TEXT:

I-PREAMBLE

THE TURKISH FEDERATED STATE OF CYPRUS, REPRESENTING  
THE TURKISH CYPRIOT COMMUNITY, WHICH IS FULLY CONSCIOUS AND  
PROUD OF ITS ACHIEVEMENT IN PRESERVING THE INDEPENDENCE OF THE  
REPUBLIC OF CYPRUS, IS DESIROUS TO ESTABLISH WITH THE GREEK  
CYPRIOT ADMINISTRATION AN INDEPENDENT, BI-ZONAL, FEDERAL,  
NON-ALIGNED REPUBLIC;

DO ORDAIN TO PROPOSE IN GOOD FAITH THE FOUNDING  
OF A PARTNERSHIP BASED ON EQUALITY BETWEEN THE TWO EXISTING  
ADMINISTRATIONS;

WITH THE OBJECT OF SERVING THE WELFARE OF THE TWO  
COMMUNITIES, ENABLING THEM TO LIVE IN PEACE AND SECURITY  
SIDE BY SIDE, ENJOYING THE BENEFITS AND BLESSINGS OF A  
DEMOCRATIC SYSTEM OF GOVERNMENT AND TO ENHANCE THEIR SOCIAL AND  
ECONOMIC DEVELOPMENT;

THE TURKISH FEDERATED STATE THEREFORE SUBMITS THE  
OUTLINES OF THE CONSTITUTION OF SUCH A FEDERAL REPUBLIC  
WHICH SHOULD BE EXAMINED IN THE TRUE SPIRIT OF FEDERALISM  
THAT HAS GUIDED ITS AUTHORS.

II--INTRODUCTION

WHEN THE HUMAN EXPERIENCE IN THE SYSTEM OF FEDERAL  
GOVERNMENT IS OBJECTIVELY EXAMINED WE SEE THAT SUCH A  
SYSTEM IS ESTABLISHED AMONG VARIOUS POLITICAL ENTITIES  
EITHER FOR DEFENSE, ECONOMIC WELFARE OR FOR SOCIAL AND  
POLITICAL CONSIDERATIONS. FURTHERMORE, SUCH EXPERIENCES  
SHOW US THAT THE SUCCESS OF A FEDERAL SYSTEM OF GOVERNMENT  
DEPENDS TO A VERY LARGE EXTENT ON MAINTAINING AN EQUILIBRIUM  
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BETWEEN ITS COMPONENT POLITICAL ENTITIES AND CREATING A  
COMMON SENSE OF VALUES.

THE TURKISH FEDERATED STATE OF CYPRUS, BEARING IN  
MIND THE EXPERIENCES AND TOTAL INADEQUACY AND FAILURE OF THE  
1960 CONSTITUTION DOES HEREBY PROPOSE A SYSTEM OF FEDERALISM  
WHICH, IT SINCERELY BELIEVES IS NOT ONLY SUITABLE TO THE  
EXISTING REALITIES OF THE ISLAND, BUT IS ALSO FLEXIBLE ENOUGH  
TO GENERATE ITS OWN NATIONAL GROWTH, FREE FROM CUMBERSOME  
LEGALISTIC BARRIERS. NO LEGAL SYSTEM, HOWEVER PERFECT, CAN  
ENSURE THE SUCCESS OF A SYSTEM OF GOVERNMENT UNLESS ITS  
CITIZENS SINCERELY BELIEVE IN THE SYSTEM. THIS BELIEF AND  
DETERMINATION OF THE TWO COMMUNITIES CAN ONLY BE ENHANCED BY  
A SYSTEM OF EQUALITY WHICH WILL ENGENDER NOT FEAR OF DOMINATION,  
BUT A SPIRIT OF CO-OPERATION FOR THE COMMON INTEREST. IN THIS  
SENSE FEDERALISM IS MORE THAN A SYSTEM OF GOVERNMENT ENBODIES  
IN LEGALISTIC FORMULAS, BUT A WAY OF LIFE OPEN TO TRIAL  
AND ERROR.

AS IT WILL BE UNDERSTOOD FROM THE ABOVE EXPLANATIONS,  
UNDER THE FEDERAL SYSTEM PROPOSED BY THE TURKISH FEDERATED

STATE OF CYPRUS, THIS PARTNERSHIP IN POWER CAN ONLY BE ENVISAGED BETWEEN TWO EQUAL POLITICAL ENTITIES JOINING THEIR RESOURCES IN A CENTRAL FEDERAL ADMINISTRATION ON A BASIS OF EQUALITY WORKING TOGETHER AT FIRST IN A COMPARATIVELY LIMITED FIELD, BUT AT THE SAME TIME COOPERATING IN MANY SPHERES OF ADMINISTRATION. THUS, THOSE FUNCTIONS OF THE FEDERAL GOVERNMENT PROPOSED TO BE OF A PURELY ADVISORY NATURE INITIALLY, MAY GROW INTO EXCLUSIVE FEDERAL POWERS AS CONFIDENCE AND SPIRIT OF CO-OPERATION BETWEEN THE TWO COMMUNITIES ARE ESTABLISHED.

III-GENERAL PRINCIPLES CONCERNING THE ESTABLISHMENT OF A FEDERAL REPUBLIC OF CYPRUS

1. CYPRUS SHALL BE AN INDEPENDENT, NON-ALIGNED, SOVEREIGN, BI-ZONAL GRECO-TURKISH (CYPRIOT) FEDERAL REPUBLIC COMPOSED OF TWO FEDERATED STATES ONE IN THE NORTH FOR THE TURKISH NATIONAL COMMUNITY AND ONE IN THE SOUTH FOR THE GREEK NATIONAL COMMUNITY.
2. THE SOVEREIGNTY SHALL CONTINUE TO BE SHARED EQUALLY BY  
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THE TWO NATIONAL COMMUNITIES AS CO-FOUNDERS OF THE REPUBLIC.

3. THE POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT SHALL BE THOSE CONFERRED BY THE TURKISH CYPRIOT FEDERATED STATE AND THE GREEK CYPRIOT ADMINISTRATION BY AGREEMENT BETWEEN THEM.

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4. THE FEDERAL REPUBLIC SHALL BE SECULAR. RELIGION SHALL BE KEPT STRICTLY OUT OF POLITICS IN FEDERAL AND FEDERATED AFFAIRS.

5. EACH FEDERATED STATE SHALL HAVE ITS OWN CONSTITUTION AND SHALL HAVE THE RIGHT TO TAKE ALL SUCH MEASURES RELATING TO ITS ADMINISTRATION AS MAY BE NECESSARY.

6. UNDER NO CIRCUMSTANCES SHALL CYPRUS, IN WHOLE OR IN PART, BE UNITED WITH ANY OTHER STATE, UNILATERAL DECLARATION OF INDEPENDENCE BY ANY OF THE FEDERATED STATES SHALL BE PROHIBITED.

7. THE FEDERAL REPUBLIC OF CYPRUS SHALL HENCEFORTH FOLLOW A POLICY OF FRIENDSHIP WITH TURKEY AND GREECE IN ADDITION TO PROMOTING GOOD NEIGHBORLY RELATIONS WITH COUNTRIES IN THE REGION AND SHALL PURSUE A POLICY OF NON-ALIGNMENT.

8. ALL NECESSARY MEASURES SHALL BE TAKEN TO PREVENT THE ISLAND OF CYPRUS FROM BECOMING INVOLVED, DIRECTLY OR INDIRECTLY, CONFIDENTIAL

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IN ANY ACTIVITY ENDANGERING THE PEACE AND SECURITY OF THE REGION.

9. EACH FEDERATED STATE SHALL ENSURE RESPECT FOR HUMAN RIGHTS WITHIN ITS RESPECTIVE TERRITORY SUBJECT TO THE FUNDAMENTAL REQUIREMENT OF A BI-ZONAL FEDERATION AND THE VIABILITY AND SECURITY OF EACH FEDERATED STATE.

10. LAWS AND ALL OTHER REASURES, SUCH AS ADMINISTRATIVE, ECONOMIC, SOCIAL ETC, OF THE FEDERAL GOVERNMENT SHALL NOT DISCRIMINATE AGAINST EITHER OF THE TWO FEDERATED STATES OF THE TWO NATIONAL COMMUNITIES.

11. ALL KINDS OF HOSTILE ACTIVITIES OF THE TWO STATES AGAINST EACH OTHER IN BOTH THE INTERNAL AND INTERNATIONAL SPHERES SHALL BE EXCLUDED, WHILE EVERY EFFORT SHALL BE MADE TO ENHANCE PEACEFUL COEXISTENCE, RECONCILIATION AND CO-OPERATION BETWEEN THE TWO NATIONAL COMMUNITIES. LIKEWISE, ANY ACTIVITY TENDING TO FOMENT ENMITY, HATRED AND ILL-FEELINGS BETWEEN THE TWO NATIONAL COMMUNITIES SHALL BE PROHIBITED.

12. CONCURRENTLY WITH THE BUILDING UP OF MUTUAL CONFIDENCE AND TRUST AND SUBJECT TO SECURITY NEEDS OF THE FEDERATED STATES, THE OVERALL EFFORT OF THE TWO STATES SHALL BE DIRECTED TOWARDS NORMALIZATION OF THE RELATIONS BETWEEN THE TWO NATIONAL COMMUNITIES IN ALL RESPECTS.

13. THE QUESTION OF PROPRIETARY RIGHTS AND CLAIMS ARISING THEREFROM OR RELATING THERETO, AS WELL AS ANY OTHER CLAIMS, SHALL BE SETTLED BY MUTUAL AGREEMENT BETWEEN THE FEDERATED STATES, IN CONJUNCTION WITH THE QUESTION OF COMPENSATION AND OTHER RELATED MATTER, IN SUCH A MANNER AS NOT TO OBSTRUCT

THE SETTING UP OF THE PROPOSED BI-ZONAL FEDERAL REPUBLIC.

IV. POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT OF THE  
FEDERAL REPUBLIC OF CYPRUS

THE FEDERAL GOVERNMENT SHALL EXERCISE POWERS AND  
FUNCTIONS WITH REGARD TO THE FOLLOWING MATTERS:

1) FOREIGN AFFAIRS:

THE FIELD OF FOREIGN AFFAIRS IN THE NORMAL AND  
ACCEPTED SENSE OF THE TERM SHALL, SUBJECT TO CERTAIN REQUIRE-  
MENTS, BE GIVEN TO THE FEDERAL GOVERNMENT.

2) EXTERNAL DEFENCE:

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THE EXTERNAL DEFENCE FORCE OF THE FEDERAL REPUBLIC  
SHALL BE COMPOSED OF SEPARATE LAND FORCES OF EACH FEDERATED  
STATE.

3) BANKING, FOREIGN EXCHANGE AND MONETARY AFFAIRS:

EACH FEDERATED STATE SHALL HAVE A BANK PERFORMING  
THE FUNCTIONS OF A RESERVE BANK. THE FEDERAL REPUBLIC SHALL  
HAVE A UNIFORM CURRENCY. COORDINATION SHALL BE ENSURED BY  
A FEDERAL RESERVE BOARD COMPOSED OF AN EQUAL NUMBER OF  
REPRESENTATIVES FROM EACH FEDERATED STATE.

4) FEDERAL BUDGET:

A) THE FEDERAL GOVERNMENT SHALL HAVE ITS OWN FEDERAL  
BUDGET FOR THE PURPOSE OF MEETING THE EXPENDITURE NECESSARY FOR  
CARRYING OUT ITS POWERS AND FUNCTIONS.

B) THE CHARGES AND FEES DERIVED FROM SERVICES RENDERED  
BY ORGANS OF THE FEDERAL GOVERNMENT SHALL ACCRUE TO THE FEDERAL  
BUDGET.

C) DEFICITS IN THE FEDERAL BUDGET SHALL BE MET BY  
CONTRIBUTIONS FROM THE BUDGETS OF THE FEDERATED STATES.

5) CUSTOMS:

CUSTOMS DUTIES TO BE LEVIED ON IMPORTS AND CUSTOMS  
TARIFFS SHALL BE DETERMINED AFTER TAKING FULLY INTO ACCOUNT THE  
ECONOMIC STRUCTURE OF EACH FEDERATED STATE AND THE PRINCIPLE  
OF BALANCED ECONOMIC DEVELOPMENT OF THE TWO FEDERATED STATES.

6) FEDERAL COMMUNICATIONS:

THE COORDINATION OF EXTERNAL POSTAL AND TELECOMMUNI-  
CATIONS SERVICES AS WELL AS THE JOINT OPERATION AND MAINTENANCE  
OF THE NICOSIA INTERNATIONAL AIRPORT BY THE TWO COMMUNITIES ON  
THE BASIS OF EQUALITY SHALL BE ENSURED BY THE FEDERAL GOVERNMENT.

7) PASSPORT AND CITIZENSHIP:

LEGISLATION CONCERNING CITIZENSHIP SHALL BE MADE AT THE  
FEDERAL LEVEL AND ISSUING OF PASSPORTS SHALL BE THE RESPON-  
SIBILITY OF THE FEDERATED STATES.

8) FEDERAL MEDICAL SERVICES:

THE FEDERAL GOVERNMENT MAY TAKE MEASURES RELATING TO  
PUBLIC HEALTH AND GENERAL SANITARY PROTECTION. THE COORDINATION  
OF SUCH MEASURES BETWEEN THE FEDERATED STATES SHALL BE ENSURED  
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BY A COORDINATION COMMITTEE TO BE SET UP ON THE BASIS OF  
EQUALITY.

9) STANDARDS OF WEIGHTS AND MEASURES, PATENTS, TRADE  
MARKS AND COPYRIGHTS AND METEOROLOGICAL SERVICES:

THERE SHALL BE EFFECTIVE COORDINATION ON THESE MATTERS  
CARRIED OUT BY FEDERAL INSTITUTIONS IN WHICH THE TWO COMMUNITIES  
SHALL PARTICIPATE ON THE BASIS OF EQUALITY.

10) FEDERAL ADVISORY ORGANIZATIONS:

FEDERAL ORGANIZATIONS OF AN ADVISORY NATURE MAY BE  
ESTABLISHED IN VARIOUS FIELDS IN WHICH THE COOPERATION OF  
THE TWO COMMUNITIES MAY BE USEFUL, SUCH AS:

- A) STOCK EXCHANGE
- B) WATER, ENERGY AND ROAD PLANNING
- C) NATURAL RESOURCES
- D) ENVIRONMENTAL PROTECTION
- E) PLANT PROTECTION (AGRICULTURE)
- F) TOURISM AND INFORMATION
- G) MARKETING
- H) NATURAL DISASTER.

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V) CIVIL SERVANTS AND EMPLOYEES OF THE FEDERAL GOVERNMENT:

THE CIVIL SERVANTS AND EMPLOYEES OF THE FEDERAL  
REPUBLIC PERFORMING FEDERAL FUNCTIONS IN THE FEDERATED STATES SHALL  
BELONG TO THE SAME COMMUNITY AS THAT OF THE STATE CONCERNED.  
CIVIL SERVANTS AND EMPLOYEES WORKING AT THE CENTRAL ADMINISTRATION  
OF THE FEDERAL GOVERNMENT SHALL HAVE EQUAL RIGHTS.

VI) STRUCTURE OF THE FEDERAL REPUBLIC AND THE FEDERATED  
STATES:

1) FEDERAL PRESIDENCY:

THE FEDERAL PRESIDENT SHALL HAVE SOLELY REPRESENTA-  
TIONAL POWERS AND THE PRESIDENCY SHALL ROTATE BETWEEN THE TWO  
COMMUNITIES.

2) THE EXECUTIVE, LEGISLATIVE AND JUDICIAL ORGANS  
OF THE FEDERAL REPUBLIC:

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A) EXECUTIVE ORGAN OF THE FEDERAL REPUBLIC:

THE EXECUTIVE POWERS OF THE FEDERAL REPUBLIC  
SHALL VEST JOINTLY IN THE TWO PRESIDENTS OF THE FEDERATED STATES.  
IN CARRYING OUT THESE FUNCTIONS EXECUTIVE SECRETARIES SHALL  
ASSIST THE TWO PRESIDENTS. EXECUTIVE SECRETARIES SHALL NOT HAVE  
DECISION MAKING AUTHORITY OF THEIR OWN.

B) LEGISLATIVE ORGAN OF THE FEDERAL REPUBLIC:

RESIDUAL LEGISLATIVE POWER SHALL VEST IN THE  
FEDERATED STATES. THE LEGISLATIVE ORGAN OF THE FEDERAL REPUBLIC  
CAN ONLY LEGISLATE ON THOSE LIMITED AND WELL-DEFINED MATTERS  
ENUMERATED IN THESE PROPOSALS. THE FEDERAL LEGISLATURE SHALL  
CONSIST OF MEMBERS ELECTED SEPARATELY BY THE TWO COMMUNITIES.  
ON IMPORTANT MATTERS SUCH AS: FOREIGN AFFAIRS INCLUDING THE  
RATIFICATION OF INTERNATIONAL AGREEMENTS AND EXTERNAL DEFENCE,  
SEPARATE ABSOLUTE MAJORITIES OF THE TURKISH AND GREEK MEMBERS OF  
FEDERAL LEGISLATURE SHALL BE REQUIRED.

C) JUDICIAL ORGAN OF THE FEDERAL REPUBLIC:

(I) JUDICIAL ORGAN OF THE FEDERAL REPUBLIC

SHALL BE COMPOSED OF 3 TURKISH AND 3 GREEK JUDGES.

(II) THE PRESIDENCY OF THE JUDICIAL ORGAN SHALL

BE BY ROTATION BETWEEN THE TWO COMMUNITIES.

(III) THE JUDICIAL ORGAN OF THE FEDERAL REPUBLIC

SHALL DEAL WITH MATTERS ARISING UNDER

THE FEDERAL CONSTITUTION AND VIOLATIONS

OF, OR MATTERS FALLING UNDER, FEDERAL LAWS.

3) FEDERATED STATES:

THE TURKISH AND GREEK COMMUNITIES ESTABLISH THEIR  
FEDERATED STATES WITHIN THEIR RESPECTIVE ZONES.

VII) IMPLEMENTATION OF FUNDAMENTAL RIGHTS AND LIBERTIES  
WITHIN THE FEDERATED STATES:

ALL FUNDAMENTAL RIGHTS AND LIBERTIES SHALL BE OBSERVED IN  
PRINCIPLE WITH THE CONDITION THAT SUCH OBSERVANCE SHALL BE SUBJECT  
TO THE LAWS AND REGULATIONS OF THE FEDERATED STATE CONCERNED AND  
SHALL NOT UPSET THE TERRITORIAL INTEGRITY AND POPULATION HOMO-  
GENITY OF THE TURKISH FEDERATED STATE OF CYPRUS. END TEXT.MEEHAN

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